

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Duncan Roger HARPER, et al. Art Unit : 1796
Serial No. : 10/091,284 Examiner : Daniel Metzmaier
Filed : March 5, 2002 Conf. No. : 5606
Title : AEROSOL COMPOSITIONS TO WHICH AN ELECTROSTATIC CHARGE
CAN BE IMPARTED UPON ACTUATION

Commissioner for Patents
Mailstop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND PETITION TO CORRECT DECLARATION UNDER 37 C.F.R. § 1.63

Pursuant to 37 C.F.R. § 1.182, Applicants hereby petition the Director to correct the declaration under 37 C.F.R. § 1.63, filed herein on 5 June 2002, to indicate that the citizenship of inventor John Douglas Morgan is Australian. Said declaration erroneously indicated his citizenship of "United".

A first Petition to correct the declaration was filed on 8 June 2009 but, in a Decision dated 21 August 2009, said Petition was dismissed. The Decision set an unextendable two-month period for Applicants to file a renewed petition. Applicants were not able to file a renewed petition within this time limit and therefore the instant petition is designated a Second Petition.

1. Upon receipt of the Decision on Petition, the undersigned attorney undertook some investigation and discovered that a John Douglas Peter Morgan, a named applicant in several pending United States patent applications, was employed by Silverbrook Research Pty Limited, of Balmain, New South Wales. Believing that John Douglas Peter Morgan is the same person as the John Douglas Morgan who is an applicant in the instant application, the undersigned attorney – on 1 September 2009 – wrote to Mr. Morgan with a request that he execute a corrected declaration. A copy of this letter, together with its enclosures, is here attached as Exhibit 7.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: November 12, 2009

Applicant : Duncan Roger HARPER, et al.
Serial No. : 10/091,284
Filed : March 5, 2002
Page : 2 of 2

Attorney's Docket No.: 08291-0719001 / 10279P1
USw/DM/JMH

2. Nothing further was heard from Mr. Morgan until receipt, on 4 November 2009, of the original 1 September letter, which was accompanied by a declaration signed by Mr. Morgan on 28 October 2009. The letter is here attached as Exhibit 8. The declaration signed by Mr. Morgan is here attached as Exhibit 9.

3. The supplemental declaration herewith submitted complies with 37 C.F.R. § 1.67(a) and all of the other applicable rules because it identifies the entire inventive entity and is signed by the inventor/applicant to whom the requested correction relates. Accordingly, it is requested that this Second Petition be granted.

The fee of \$400 required under 37 C.F.R. § 1.17(f), is being paid concurrently on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other required fees to deposit account 06-1050, reference 08291-0719001.

Respectfully submitted,

Date: 12 November 2009

/Frederick H. Rabin/

Frederick H. Rabin
Reg. No. 24,488

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

EXHIBIT 7

FISH & RICHARDSON P.C.

Frederick P. Fish
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W.K. Richardson
1859-1951

VIA FEDERAL EXPRESS

1 September 2009

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Frederick H. Rabin
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Email
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Mr. John Douglas Peter Morgan
Silverbrook Research Pty Limited
393 Darling Street
Balmain
New South Wales 2041
Australia

Re: AEROSOL COMPOSITIONS TO WHICH AN ELECTROSTATIC CHARGE CAN BE IMPARTED UPON ACTUATION

Applicant: Duncan Roger HARPER, et al.
Application No.: 10/091,284
Filing Date: March 5, 2002
Country: United States
Your Ref.: 10279P1 USw/DM/JMH
Our Ref.: 08291-0719001

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
HOUSTON
MUNICH
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

Dear Mr. Morgan:

We are the attorneys handling the above mentioned United States Patent Application. It corresponds to PCT Application No. PCT/GB00/03426, covering an invention made by you (as co-inventor) when you were at Reckitt Benckiser. To refresh your memory, I am enclosing a copy of the cover page of the application as published in the United States.

It has come to our attention that the signed declaration for the American application did not correctly indicate your citizenship; enclosed is a copy of the declaration as filed. I am happy to report that the application has now been allowed but, in order to proceed with obtaining a patent, we have to submit a corrected declaration that includes your citizenship.

FISH & RICHARDSON P.C.

Mr. John Douglas Peter Morgan
1 September 2009
Page 2

Enclosed is a declaration, which should be signed and dated by you in the appropriate place on page two. (Although the other inventors have to be mentioned in this declaration, their signatures are not required.) Kindly return the signed declaration to us in the enclosed pre-paid federal express envelope.

Thank you in advance for your assistance in this matter.

Very truly yours,

Frederick H. Rabin

cc w/encl: Jeremy Holmes, Esq. (via facsimile)
 Danielle Milner (via facsimile)

22259635.doc

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled AEROSOL COMPOSITIONS TO WHICH AN ELECTROSTATIC CHARGE CAN BE IMPARTED UPON ACTUATION, the specification of which:

is attached hereto.

was filed on 5 March 2002 as Application Serial No. 10/091,284 and was amended on _____

was described and claimed in PCT International Application No. PCT/GB00/03426 filed on 5 September 2000 and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
PCT/GB00/03426	September 5, 2000	

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
United Kingdom	9921037.9	7 September 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Declaration
Page 2 of 3 Pages

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: DUNCAN ROGER HARPER

Inventor's Signature: _____ Date: _____
Residence Address: Hull, UNITED KINGDOM
Citizenship: British
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78 The Boulevard
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UNITED KINGDOM

Full Name of Inventor: NEALE HARRISON

Inventor's Signature: _____ Date: _____
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Citizenship: British
Post Office Address: 27 Cromwell Close
Tutbury
Burton-on-Trent DE13 9HZ
UNITED KINGDOM

Full Name of Inventor: JOHN DOUGLAS MORGAN

Inventor's Signature: _____ Date: _____
Residence Address: Balmain, AUSTRALIA
Citizenship: Australian
Post Office Address: 393 Darling Street
Balmain
New South Wales 2041
AUSTRALIA

Declaration
Page 3 of 3 Pages

Full Name of Inventor: JOHN HOWARD CLINT

Inventor's Signature: _____ Date: _____
Residence Address: Beverley, UNITED KINGDOM
Citizenship: British
Post Office Address: 119 The Meadows
Cherry Burton
Beverley HU17 7RL
UNITED KINGDOM

Full Name of Inventor: MARIO ABELA

Inventor's Signature: _____ Date: _____
Residence Address: Quakers Hill, AUSTRALIA
Citizenship: Australian
Post Office Address: 23 Mansion Court
Quakers Hill
New South Wales 2763
AUSTRALIA

22280770.doc

US 20030076761

(1) United States

(2) Patent Application Publication

Harper et al.

(3) Pub. No.: US 2003/0096878 A1

(4) Pub. Date: May 22, 2003

(5) ELECTROSTATIC AEROSOL
COMPOSITIONS

Related U.S. Application Data

(75) Inventors: Duncan Roger Harper, Nottingham
(GB); Neale Harrison, Burton-on-Trent
(GB); John Douglas Morgan,
Cottingham (AU); John Howard Cibot,
Beverley (GB); Mario Abdala, Queluz
NM (AU)

(63) Continuation of application No. PCT/GB00/03426,
filed on Sep. 5, 2000.

(36) Foreign Application Priority Data

Sep. 7, 1999 (GB), 9921037.0

Patent Classification

(91) Int. Cl., B01F 3/64
(91) U.S. Cl., 816/1

(57) ABSTRACT

An electrostatic composition in the form of a water-in-oil or an oil-in-water emulsion is impinged with a unipolar electrostatic charge on spraying from an aerosol spray device by incorporating into the composition a non-polar surfactant and at least one polar or ionic or zwitterionic or linearly conjugated compound. The amount of the polar or ionic or aromatic or linearly conjugated compound included in the composition is about 0.01 to about 80% w/w based on the non-polar surfactant, but is such that the theoretical conductivity of the emulsion is less than the bulk conductivity of the emulsion.

(73) Assignee: Reckitt Benckiser (UK) Limited

(21) Appl. No.: 104891,284

(22) Filing: Mar. 5, 2002

Attorney's Docket No.: G319-719001
 Client's Ref. No.: 10279P1

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled AEROSOL COMPOSITIONS TO WHICH AN ELECTROSTATIC CHARGE CAN BE IMPARTED UPON ACTUATION, the specification of which:

is attached hereto.
 was filed on 5 March 2002 as Application Serial No. _____ and was amended on _____
 was described and claimed in PCT International Application No. PCT/GB02/03426 filed on 5 September 2002 and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
-----------------	-------------	--------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

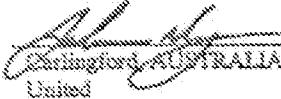
U.S. Serial No.	Filing Date	Status
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United Kingdom	9921037.9	7 September 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

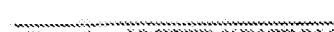
Attorney's Docket No.: 02081-718081
Client's Ref. No.: 10279P1Combined Declaration and Power of Attorney
Page 3 of 3 Pages

Full Name of Inventor: JOHN DOUGLAS MORGAN

Inventor's Signature: 
Residence Address: Caringford AUSTRALIA
Citizenship: United
Post Office Address: 4 Frederick Place
Caringford
New South Wales 2118
AUSTRALIA

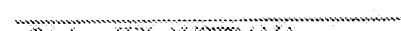
Date: 20th May 2002

Full Name of Inventor: JOHN HOWARD CLINT

Inventor's Signature: 
Residence Address: Beverley, UNITED KINGDOM
Citizenship: British
Post Office Address: 119 The Meadows
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Date:

Full Name of Inventor: ALARIO ABELA

Inventor's Signature: 
Residence Address: Quakers Hill, AUSTRALIA
Citizenship: Australian
Post Office Address: 23 Mansion Court
Quakers Hill
New South Wales 2763, AUSTRALIA

Date:

EXHIBIT 8

FISH & RICHARDSON P.C.

Frederick P. Fish
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W.K. Richardson
1859-1931

VIA FEDERAL EXPRESS

1 September 2009



Mr. John Douglas Peter Morgan
Silverbrook Research Pty Limited
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Australia

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
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WASHINGTON, DC

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55440-1022

Telephone
617 542-3270

Faximile
877 769-7945

Web Site
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Frederick H. Rabin
617 368-2357

Email
rabin@fr.com

FISH & RICHARDSON P.C.

Mr. John Douglas Peter Morgan
1 September 2009
Page 2

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Thank you in advance for your assistance in this matter.

Very truly yours,



Frederick H. Rabin

cc w/encl: Jeremy Holmes, Esq. (via facsimile)
 Danielle Milner (via facsimile)

22259635.doc

EXHIBIT 9

DECLARATION

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Declaration
Page 2 of 3 Pages

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Full Name of Inventor: DUNCAN ROGER HARPER

Inventor's Signature: _____ Date: _____
Residence Address: Hull, UNITED KINGDOM
Citizenship: British
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Full Name of Inventor: NEALE HARRISON

Inventor's Signature: _____ Date: _____
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Citizenship: British
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Tutbury
Burton-on-Trent DE13 9HZ
UNITED KINGDOM

Full Name of Inventor: JOHN DOUGLAS MORGAN

Inventor's Signature: _____ Date: 27/07/03
Residence Address: Balmain, AUSTRALIA
Citizenship: Australian
Post Office Address: 393 Darling Street
Balmain
New South Wales 2041
AUSTRALIA

Declaration
Page 3 of 3 Pages

Full Name of Inventor: JOHN HOWARD CLINT

Inventor's Signature: _____ Date: _____
Residence Address: Beverley, UNITED KINGDOM
Citizenship: British
Post Office Address: 119 The Meadows
Cherry Burton
Beverley HU17 7RL
UNITED KINGDOM

Full Name of Inventor: MARIO ABELA

Inventor's Signature: _____ Date: _____
Residence Address: Quakers Hill, AUSTRALIA
Citizenship: Australian
Post Office Address: 23 Mansion Court
Quakers Hill
New South Wales 2763
AUSTRALIA